



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2005 - 37

EMERGENCY SUSPENSION OF CERTAIN PROVISIONS REGARDING TEMPORARILY INOPERABLE HOSPITALS

- WHEREAS,** Hurricane Katrina struck the state of Louisiana resulting in severe flooding and damage to the southeastern part of the state which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;
- WHEREAS,** the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the governor of the state of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or man-made causes;
- WHEREAS,** pursuant to such Act, a state of emergency was declared through Proclamation No. 48 KBB 2005;
- WHEREAS,** pursuant to the Louisiana Health Emergency Powers Act, R.S. 29:760, *et seq.*, a state of public health emergency was declared through Executive Order KBB 2005-26;
- WHEREAS,** R.S. 29:724(D)(1) and 766(D)(1) authorize the governor, during a state of emergency, to suspend the provisions of any regulatory statute prescribing procedures for the conducting of state business, or the orders, rules or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- WHEREAS,** as a direct consequence of the disaster and evacuation, several hospitals in the parishes affected by Hurricane Katrina became temporarily inoperable, not fit for operation, and/or unable to provide services to the community;
- WHEREAS,** LCA 48:I-9305 and 9307 provide that a hospital's license shall be immediately void if a hospital ceases to operate and provides procedures for the closure of a hospital, including the disposition of patient records, public notice, etc.;
- WHEREAS,** there is a profound need for hospital services in the affected parishes to resume operations as soon as possible; and
- WHEREAS,** the secretary of the Department of Health and Hospitals has requested the suspension of certain regulations, for hospitals located in the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, and Washington which became temporarily inoperable, not fit for operation, or unable to provide services to the community as a result of Hurricane Katrina and its aftermath so as to allow a prudent and expedited return to operation;
- NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO,** Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: LCA 48:I-9305(B)(3), which voids a hospital license once a hospital ceases to operate, is hereby suspended to the extent it applies to any hospital located in

the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, and Washington that have ceased to operate or provide services to the community as a consequence of Hurricane Katrina and its aftermath. This suspension applies only to the extent that such regulation automatically voids a license when a hospital ceases to operate. Any hospital located in any other parish that ceases to operate or any ownership changes of a hospital located in any parish statewide shall continue to void a hospital's license as provided in LCA 48:I-9305(B)(3).

SECTION 2: LCA 48:I-9307, which provides procedures for the closure of a hospital upon cessation of business is hereby suspended to the extent that it applies to any hospital located in the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, and Washington that have ceased to operate or provide services to the community as a consequence of Hurricane Katrina and its aftermath. Any hospital located in any other parish that ceases to operate shall continue to be required to follow the procedures outlined in LCA 48:I-9307.

SECTION 3: Hospitals located in Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, and Washington parishes and have ceased to operate shall notify the Department of Health and Hospitals, Health Standard Section, in writing when the hospital becomes operable and capable of providing services to the community.

SECTION 4: The Department of Health and Hospitals is hereby authorized to conduct any and all necessary surveys, inspections, and/or reviews of the hospital's facilities upon receipt of such notification.

SECTION 5: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with implementing the provisions of this Order.

SECTION 6: This Order is effective upon signature and shall apply retroactively from Monday, August 29, 2005, through Monday, October 17, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to Monday, October 17, 2005.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of September, 2005.

/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

/S/ Al Ater
SECRETARY OF STATE